

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JULIA SOUKUP FRENCH,

Plaintiff,

vs.

STATE OF NEVADA et al.,

Defendants.

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3:11-cv-00882-RCJ-VPC

ORDER

Plaintiff is a criminal defendant in state court who has purported to remove the present proceeding pursuant to “28 U.S.C. § 1946” and 28 U.S.C. § 1251. There is no such provision of the United States Code as 28 U.S.C. § 1946, but presumably Plaintiff means to invoke § 1446. That statute provides for removal of civil actions, not criminal actions. *See* 28 U.S.C. § 1446. And § 1251 provides original jurisdiction over certain actions in the United States Supreme Court, not in the district courts. *See* 28 U.S.C. § 1251. Pending before the Court is a motion for a preliminary injunction. The Court denies that motion and dismisses the case for lack of subject matter jurisdiction.

Although Plaintiff does not specifically invoke 28 U.S.C. § 1331, the present action could be interpreted as one for an injunction against the criminal proceedings in the state court on the basis of certain federal constitutional guaranties. But the federal district courts have no jurisdiction to enjoin state judicial proceedings absent a threat to a federal judgment, *see* 28 U.S.C. §§ 1651, 2283, and Plaintiff alleges no such circumstances. Plaintiff’s remedy is to raise the federal constitutional issues in the state court, and if necessary on appeal to the state supreme

1 court, and then if necessary to petition the United States Supreme Court for a writ of certiorari.

2 **CONCLUSION**

3 IT IS HEREBY ORDERED that the Motion for Preliminary Injunction (ECF No. 4) is
4 DENIED.

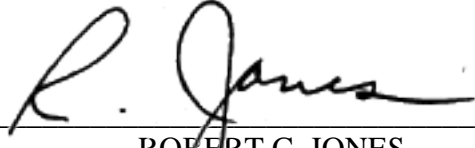
5 IT IS FURTHER ORDERED that the Application for Leave to Proceed In Forma
6 Pauperis (ECF No. 1) is GRANTED, and the Clerk shall file the Complaint.

7 IT IS FURTHER ORDERED that the Supplemental Motion (ECF No. 3) is DENIED.

8 IT IS FURTHER ORDERED that the Complaint is DISMISSED for lack of subject
9 matter jurisdiction, and the Clerk shall close the case, accordingly.

10 IT IS SO ORDERED.

11 Dated this 24th day of January, 2012.

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15 ROBERT C. JONES
16 United States District Judge
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